

: Schilling Brothers Funding Dispute

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**: Schilling Brothers Funding Dispute**

From: jill.dokson@firstdata.com

To: dhouston@mitchellmcnutt.com

Cc:

Sent: 10/18/2016 10:36:15 AM

Attachments:   2016.08.15 Schilling Emails re Receiving Deposits.pdf  
 2016.09.15 R. Schilling Confirming Receipt of \$100K.pdf  
 Funding Issue For STOP N SHOP LLC\_06185510001.xlsx

David,

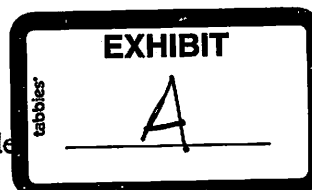
Below and attached is being provided for settlement purposes.

They are the pertinent pieces of the timeline that we discussed. As you will note your client and his daughter affirmatively represented to First Data about three weeks before we tried to debit back the funding that the Bank of Anguilla account was receiving money that did not belong in that account. It seems they still believed, as you advised, that Sunflower #88 was still processing with First Data (though Roy Schilling had previously migrated that account to Fifth Third). When First Data attempted to reclaim the funding from the Bank of Anguilla account, Don verbally advised in early September it was "no longer" available, which was confirmed by the Bank. I have attached some emails, the accounting of what is missing and confirmation from Roy Schilling of the \$100K wire. And as we discussed First Data is currently out-of-pocket \$100K that we funding directly to Roy Schilling, who is now alleges he is still owed \$67,000.

- Don Schilling emails First Data on 8/12 advising that the Bank of Anguilla account was getting Stop N Shop funds that it was not supposed to go into that account. (attached)
- Don Schilling's daughter emails First Data on 8/15 advising they are getting "way too much to be ours" that it shows Stop N Shop on the funding line into the Bank of Anguilla account and it needs to be fixed. (attached)
- On 8/30 the issue is fixed after Roy Schilling had contacted his account manager that he is missing funding and that it had gone to Bank of Anguilla account. However just over \$267,000 was sent to the Bank of Anguilla account. (accounting attached)
- On 9/2 Roy Schilling advises he received \$100,000 of the \$267,000 by wire from Sunflower #88, but communicated that First Data needed to figure out how to get the rest to him. (Letter dated 9/15/2016 confirms this)
- On or before 9/7 First Data (Josh Umphrey) verbally communicated with Don Schilling who said the money was no longer in the Bank of Anguilla account (a fact First Data later confirmed by speaking with the Bank manager) but approved a First Data debit of \$67,000 debit to the Bank of Anguilla account (which as submitted on 9/7)
- On 9/13/2016 the \$67,000 debit was rejected back to First Data due to insufficient funding.

As of today's date, First Data is holding \$67,783.59 in diverted funding from 6214950002 and 6214950003. We released \$70,000 to the DDA associated with MID 6214950003 last week and we are not holding any funding moving forward. Please review with your client and then we can discuss how to finally resolve amounts owed to First Data, and as between Roy and Don Schilling (if any).

I look forward to speaking with you.



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**Jill E. Dokson**

Senior Counsel

First Data, 3975 N.W. 120<sup>th</sup> Ave., Coral Springs, Florida 33065

Office: 954-845-5721 | Fax: 954-845-5550 | Legal Papers Phone: 954-845-4011

[jill.dokson@firstdata.com](mailto:jill.dokson@firstdata.com) | firstdata.com

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